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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/034,936	01/02/2002	Ming-Tien Chang		1398

7590 08/14/2003
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EXAMINER

WARREN, DAVID S

ART UNIT PAPER NUMBER

2837

DATE MAILED: 08/14/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/034,936

Applicant(s)

CHANG, MING-TIEN

Examiner

David S. Warren

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 March 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 9-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 9-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 9 – 12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The language of claim does not provide an understanding of any structural relationship between elements. For example, in claim 8, it appears in fig. 2 that both the left and right branch tubes are connected directly to outer tubes, yet claim 9 states that “the left branch tube being directly connected to an outer tube of a first noise eliminating tube and the right branch tube being connected to an inner tube of a second noise eliminating tube.” Also in claim 8, the applicant states that “stainless steel and cotton structure encloses the first noise eliminating tube,” however, judging from the specification and figure 2, it appears that stainless steel and cotton enclose only the inner tube (i.e., not the outer tube). Also in claim 8, the examiner does not understand the limitation stating “a front isolating plate and the rear isolating plate are installed in the outer tube for installing the left branch tube” (none of the element numbers in fig. 2 refer to a “isolating plate” – elements 321 and 322 refer to glass fiber and isolating tube, respectively). In claim 9, the examiner does not understand how “the tube wall of the outer tube has noise eliminating holes” – perhaps the applicant means the inner tube.

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To overcome the 35 U.S.C. 112 second paragraph deficiencies, the examiner is proposing the following claim that would be allowable with the applicant's consent. The following claim is merely a suggestion; the applicant may make modifications and/or additions, deletions, etc. However, any changes to the following proposed claim may render it non-allowable.

(Claim proposed by the examiner):

An easily controlled exhaust tube having:

- a manifold (20); one end of the manifold (20) being connected to a distal end of a connecting tube (10),
- the manifold being extended with a first branch tube (21) and a second branch tube (22),
- the second branch tube (22) has a controllable valve (51) having a valve seat and washers,
- the first branch tube (21) is segmented into a first and second section within a first outer tube (32), wherein the first and second sections have holes surrounded by a layer of stainless steel and cotton, a first isolating plate (321) perpendicular to the first section within the first outer tube (32), a second isolating plate (322) perpendicular to the second section within the first outer tube (32), wherein the first (321) and second (322) isolating plates define three volumes within the first outer tube (32), holes from the first section communicate with a first and second volume, holes from the second section communicate with a second and third volume,
- the second branch tube (22) passes continuously through a second outer tube (42), wherein the portion of the second branch tube (22) within the second outer tube (42) has holes (41), a layer of stainless steel and cotton (411) covering the holes (41), glass fibers (421) fill the volume between the second outer tube (42) and the layers of stainless steel and cotton (411),
- a connecting piece welded between the first outer tube (42) and the second outer tube (32).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The patent to Kojima (4533015) appears to show the structure shown in applicant's fig. 2 (see Kojima's fig. 14).

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to David S. Warren whose telephone number is 703-308-5234. The examiner can normally be reached on M-F, 9:30 A.M. to 6:30 P.M..

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Nappi can be reached on 703-308-3370. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-9529 for regular communications and 703-872-9319 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

dsw
August 7, 2003


ROBERT E. NAPPI
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800